

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
-against-	:	No. 11 Cr. 755 (JFK)
	:	
OSCAR MINAYA,	:	ORDER
	:	
<u>Defendant.</u>	:	
-----X	:	

APPEARANCES

FOR DEFENDANT OSCAR MINAYA:
Pro Se

FOR THE UNITED STATES OF AMERICA:
Jacob R. Fiddelman
U.S. ATTORNEY'S OFFICE FOR THE SOUTHERN DISTRICT OF NEW YORK

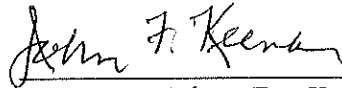
JOHN F. KEENAN, United States District Judge:

The Court is in receipt of pro se Defendant Oscar Minaya's ("Minaya") May 12, 2022, letter. In the letter, Minaya requests that the Court "withdraw [his] pending motion pursuant to Fed. R. Crim. P. 37(a)(3) . . . so that he can use the proper vehicle[,] 28 U.S.C. § 2255[,] to not only attack [his] conviction, but also pursue all ineffective assistance of counsel claims under Strickland v. Washington, 466 U.S. 668 (1984)." (Letter from Minaya to Hon. John F. Keenan, dated May 12, 2022.) In light of Minaya's request and the Court's February 28, 2022, Opinion and Order, United States v. Minaya, No. 11 Cr. 755 (JFK), 2022 WL 594150, at *1 (S.D.N.Y. Feb. 28, 2022), the Clerk of Court is respectfully directed to terminate

the motion pending at No. 11 Cr. 755, Dkt. 502. The Court also reminds Minaya that in order to move for the appointment of counsel, he must "submit to the Court a renewed application for the appointment of counsel describing the claims he will raise in his § 2255 petition, including any claim concerning alleged perjury before the Grand Jury" Minaya, 2022 WL 594150, at *2 (denying Minaya's first application for the appointment of counsel without prejudice and granting Minaya "leave to file a new application for the appointment of counsel setting forth (1) the claims he will raise in his contemplated § 2255 petition and, to the extent he is able to do so, the factual basis for his claims").

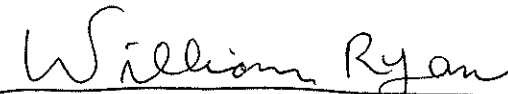
SO ORDERED.

Dated: New York, New York
May 23, 2022



John F. Keenan
United States District Judge

This order was mailed to Mr. Minaya
on May 23, 2022.



Deputy Clerk to Judge Keenan